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S/25019
29 December 1992

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LETTER DATED 29 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Pursuant to Security Council resolution 781 (1992), I have the honour to present the following information.

Serbian and Montenegrin forces have continued to violate the said resolution, particularly over the territory around the towns of Bihac, Velika Kladusa, Bosanska Krupa, Buzim, Gradacac, Brcko and Orasje. The aggressor used helicopters for transport of troops and ammunition, as well as for combat missions. Civilians and members of the Territorial Defence of the Republic of Bosnia and Herzegovina were targeted.

Between 23 and 27 December 1992, the Serbian and Montenegrin forces carried out 24 combat missions over the region of Srebrenica with fixed-wing aircraft, some of which used "SOW" and cluster bombs against civilian residences, public buildings, as well as military targets.

The Presidency of the Republic of Bosnia and Herzegovina, acting under paragraph 6 of resolution 781 (1992), requests from the Security Council "to examine without delay all the information brought to its attention concerning the implementation of the ban on military flights in Bosnia and Herzegovina and, in the case of violations, to consider urgently the further measures necessary to enforce this ban."

May I request your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

92-84591 5502a (E) 291292 301292

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GENERAL ASSEMBLY
Forty-seventh session
Agenda items 30, 35, 46, 69,
74, 133 and 143
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
CONSEQUENCES OF THE IRAQI OCCUPATION
OF AND AGGRESSION AGAINST KUWAIT
REVIEW OF THE IMPLEMENTATION OF THE
DECLARATION ON THE STRENGTHENING
OF INTERNATIONAL SECURITY
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES
REPORT OF THE SPECIAL COMMITTEE ON
THE CHARTER OF THE UNITED NATIONS
AND ON THE STRENGTHENING OF THE
ROLE OF THE ORGANIZATION
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Forty-seventh year

Letter dated 24 December 1992 from the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith, in the Arabic and English languages, the Final Communiqué (annex I) and the Abu Dhabi Declaration (annex II) adopted by the Supreme Council of the Gulf Cooperation Council at its thirteenth session, held at Abu Dhabi, United Arab Emirates, from 21 to 23 December 1992.

I should be grateful if you would have the present letter and its annexes circulated as an official document of the General Assembly, under agenda items 30, 35, 46, 69, 74, 133 and 143, and of the Security Council.

(Signed) Ali Thani AL-SUWAIDI
Chargé d'affaires a.i.

ANNEX I

Final Communiqué adopted by the Supreme Council of the Gulf Cooperation Council at its Thirteenth Session, held in Abu Dhabi from the 21st to the 23rd December 1992.

In response to the gracious invitation of His Highness Sheikh Zayed Bin Sultan al Nahyyan the President of the United Arab Emirates, the Supreme Council of the Arab Gulf Cooperation Council held its Thirteenth Session in Abu Dhabi in the period from the 27th to the 29th/6/1413 Hejra, the 21st to the 23rd December 1992, in the presence of their Majesties and their Highnesses:

H.H. Sheikh Zayed Bin Sultan al Nahyyan
President of the United Arab Emirates

H.H. Sheikh Issa Bin Salman al Khalifah
The Amir of the State of Bahrein

The Custodian of the Two Holy Mosques King Fahd Bin Abdul Aziz al Saoud
King of Saudi Arabia

His Majesty Sultan Qaboos Bin Said
Sultan of Oman

H.H. Sheikh Khaifah Bin Hamad Al Thani
The Amir of the State of Qatar

H.H. Sheikh Jaber Al Ahmad Al Jaber
The Amir of the State of Kuwait

The Progress accomplished by the Cooperation Council

The Supreme Council reviewed the progress achieved by the Cooperation Council in all domains in the light of the results and the recommendations made by the Ministerial Committees, and studied the necessary steps required to consolidate relations of cooperation and complementary interdependence between their Member States, motivated by a firm conviction in the existence of common goals and of a shared destiny that bind them together, and in conformity with the goals set in their Basic Charter.

The Supreme Council, in expressing its satisfaction with the achievements of the glorious march of the Arab Gulf Cooperation Council, reaffirms its adhesion to the goal of realising the aspirations of the citizens of this region so as to enable it to face all international and regional challenges and developments that make it mandatory to reinforce the existing brotherly framework for cooperation and complementary interdependence, to surmount all obstacles that may obstruct collective action, and to take all the necessary steps capable of elevating this action to advanced stages of cooperation in the various fields so as to realise those aspirations and hopes.

The implementation of the Resolutions of the Security Council regarding the Iraqi Regime's Aggression.

The Supreme Council discussed the political and security developments in the Gulf region and the progress achieved in the implementation of the Security Council Resolutions regarding the Iraqi Regime's Aggression. The Council takes note of the continuation of that Regime in its procrastination in implementing basic elements of the relevant Security Council Resolutions and of its infringement of the conditions of the cease- fire through its refusal to release prisoners from Kuwait and from other countries, its refusal to adhere to the findings and resolutions of the Technical Committee constituted by the United Nations to demarcate the frontiers between the two countries, its non

implementation of the Security Council Resolutions regarding the payment of compensation funds in view of its legal responsibility for the damages incurred by its aggression, its slow progress in returning all the legal assets and goods that belong to Kuwait, and its procrastination in the removal of all its arms of total destruction.

The Supreme Council condemns the Iraqi Regime for its refusal to comply fully with all Security Council Resolutions, for its continuing threat to the security and stability of the region, for its creation of a climate of grave concerns and tensions and for its continued distortion of historic facts in its expansionist claims to Kuwaiti territory, thus destabilising the region and posing a serious threat to its security by creating a climate of permanent tensions which cannot be ended before the full compliance by the Iraqi Regime with all relevant Security Council resolutions adopted as a result of its Aggression.

The Supreme Council affirms its support for the steps taken by the Security Council in this regard, and calls on the International Community of Nations to continue excercising pressure on the Iraqi Regime until it fully complies by implementing all the Security Council Resolutions, especially those regarding the release of Kuwaiti and Other Nationals held prisoners. It reaffirms the necessity for, and the importance of, a continued firm and strong International Stand towards that Regime, and lauds the decision taken by the Security Council in adopting Resolution 773 which emphasises the inviolability and sanctity of frontiers between Kuwait and Iraq. It welcomes and expresses its appreciation for the steps undertaken by the Committee constituted by the United Nations to demarcate on the ground the frontiers between the two countries. It reaffirms its high concern for the national integrity and regional security of Iraq and holds the Iraqi Regime fully responsible for the acts of repression and bloody violence suffered by the Iraqi people. It affirms the full responsibility of the Iraqi Regime for all the deprivations and sufferings of the Iraqi people as a result of the Regime's refusal to fully implement Security Council Resolutions 706 and 712 which deal with the question of providing the country's medical and food supplies.

Relations with the Islamic Republic of Iran and the issue of the Islands

The Council, in taking note of the report given by His Highness Sheikh Zayed Bin Sultan Al Nahyyan, President of the United Arab Emirates and the Chairman of the present Session, regarding the measures taken by the Islamic Republic of Iran on the Island of Abu Musa, and regarding the continuing Iranian occupation of the Islands of Bigger Tunb and the Smaller Tunb, deplores these measures and the continued occupation, since they represent a violation of the sovereignty and the territorial integrity of the United Arab Emirates, and pose a threat to the stability and security of the Region.

The Council, in expressing its deep regret and its grave concern as a result of the unjustifiable Iranian action, since it violates the declared intention of developing relations between the two sides, and contravenes the very principles on which such relations between the member States and the Islamic Republic of Iran should be based, reaffirms its conviction that the development of relations between the two sides is linked to the consolidation of trust between them, and to the implementation by Iran of steps that would conform to its adhesion to the principles of good neighbourly relations, of the respect for the sovereignty and the territorial integrity of the States of the region, and for the principle of non-interference in the internal affairs of other States. The Council further affirms that the continuation of the Iranian occupation of the three islands, and of the measures implemented by the Islamic Republic of Iran on the island of Abu Musa, represent a serious contravention of these principles and of the declared intention to develop relations between the two sides. It calls on the Islamic Republic of Iran to cancel all the new measures it implemented in the Island of Abu Musa, and to put an end to its occupation of the islands of the Bigger Tunb and the Smaller Tunb, which rightfully belong to the United Arab Emirates.

The Council affirms its total solidarity with, and its full support for the stand adopted by the United Arab Emirates, and supports all the peaceful steps and means which it deems appropriate to restore its sovereignty on its three Islands based on International legitimacy and collective security.

The present Arab situation

The Council reviewed the peace process in the Middle East which aims at bringing the Arab-Israeli conflict to an end and at finding a just, comprehensive and permanent solution to the Palestinian question based on Security Council resolutions 242 and 338 and on the principle of land for peace. It reaffirms its commitment to support the present peace initiatives and lauds the constructive role undertaken by the two patrons of the peace Conference. It expresses its hope for a comprehensive, just and permanent resolution of the Israeli-Arab conflict and of the Palestinian question which would ensure the withdrawal of Israel from all the occupied Arab territories including the Holy City of Jerusalem, and the guarantee of the legitimate National Rights of the Palestinian People, including its right to self-determination, thus establishing a solid foundation for the security and stability of the Middle east Region.

The Council strongly condemns the continuation of Israeli acts of repression, violence and expansionism in the occupied Arab territories and the recent steps taken by the Occupation forces to expel Palestinian citizens from their Homeland. It reaffirms its conviction that the policy of mass expulsions, the construction of settlements, and the acts of brutality, murder, and arbitrary arrests represent a total contravention of all the Charters, Laws and Conventions of the International Community of Nations as well as of the present Peace Process and are in discord with the climate of the New World Order

The Council registers its appreciation for Resolution 799 adopted by the Security Council which strongly condemned the mass expulsion by the Israeli Occupation Forces of hundreds of Palestinian civilians, reaffirmed the validity of the Fourth Geneva Convention to all occupied Palestinian territories including the Holy City of Jerusalem, and called on the Israeli Authorities to ensure an immediate and safe return of all those expelled to the occupied territories. The Supreme Council strongly condemns the arbitrary and unjust Israeli measures of expulsion as a contravention of Human Rights, a violation of the Fourth Geneva Convention and a threat to the Peace process in the Middle East.

It calls on the Security Council to do all that it deems necessary to enforce the full compliance by the Israeli Occupation Forces with International Conventions and to ensure a speedy return of the expelled civilians to their Homeland.

The Council further condemns the continued Israeli aggressions against the brother State of Lebanon which have led to the shedding of the blood of innocent children and civilians and to the pre-emption of any serious peace endeavour. It calls on the Security Council to excercise real pressure on the Israeli Authorities so as to make them renounce their policies of expansionism and aggression, adhere to the principle of the respect for the sovereignty, independence and territorial integrity of Lebanon, and to fully and unconditionally comply with the Security Council Resolution 425 and to withdraw its troops promptly and without further delay from the South of Lebanon.

In the context of its review of Arab relations, the Supreme Council welcomes the results achieved by the Sixth Foreign Ministerial Meeting of the States adhering to the Damascus Declaration which convened in Doha in September 1992, and which reaffirmed the conviction that the Damascus Declaration is a viable framework for reconciliation, understanding and dialogue and a core paradigm for a New Arab Order in the context of the Arab League, in which other Arab States can participate by sharing the political vision of the Eight Participating States and their conviction in the need to consolidate and strengthen Arab collective action through ensuring a common background of trust and through the consolidation of relations of co-existence and close cooperation based on the respect for their sovereignty, independence and the existance of mutual interests that bind them together, as well as the repect for the principle of the rightful sovereignty of every Arab State over its natural economic resources.

The Council follows the developments in the brother State of Somalia and expresses its grave concern for the suffering of the Somali people as a consequence of the devastating civil War. It lauds Security Council Resolution 794 regarding the despatching of International Troops to Somalia to provide the security preconditions for humanitarian relief efforts. It reaffirms its decision to support those constructive International efforts in which three Gulf Council Member States participate directly. It calls on the various fighting national parties in Somalia to stop the shedding of blood, to renounce their differences and to put ahead the national interests of their country. It further calls on them to cooperate with the present international efforts and expresses the hope that stability and security will be re-established in their country. It calls on the International Community of Nations to support the current efforts that are being deployed by authority of the Security Council to ensure the return of Peace and stability to Somalia and to guarantee its territorial integrity and unity.

The Serbian aggression against the Republic of Bosnia-Herzegovina

The Council follows with grave concern and deep regret the continuing degradation of the situation in Bosnia-Herzegovina as a result of the on-going aggression of irregular Serbian troops supported by Serbia and by Montenegro, their contravention of International Law and of the Fourth Geneva Convention, their violation of the independence, sovereignty and territorial integrity of Bosnia-Herzegovina, and their carrying out of the worst crimes of racial extermination, terrorism, mass expulsion and rape. The Supreme Council condemns the aggression perpetrated by Serbia and Montenegro. It calls on the Security Council to undertake all the necessary measures, including the use of force, under Article 42 of Chapter Seven which was designed to restore

International Peace and security, to force aggressive powers to comply with Resolutions based on International legitimacy, to prevent acts that could change population structures or lead to regional territorial gains, to deter aggressors by depriving them from potential gains of their aggression, and thereby to ensure the withdawal of regular and irregular Serbian troops from Bosnia-Herzogovina while bringing to account all those responsible for crimes committed against humanity in accordance with the Geneva Conventions.

The Council reaffirms its full solidarity and its total support for the Republic of Bosnia-Herzogovina in its tragic trials and in its heroic struggle for its independence and for its territorial integrity and unity. It lauds the resolutions adopted by the Foreign Ministers of the Islamic Conference during their Sixth Extraordinary Session. It calls on the Security Council to lift the Arms embargo imposed on Bosnia-Herzogovina so as to enable it to defend itself against its aggressors and to safeguard its survival in accordance with the legitimate right to Self-defence enshrined in Article 51 of the United Nations Charter. It calls on the international community of Nations to give every support it can to Bosnia-Herzogovina, motivated by the conviction that the deterrence of Aggression is a collective International responsibility. It further calls on it to adopt a firm and united stand to implement the Resolutions of the Security Council and of the London Conference.

The Aggression against the Babri Mosque

The Council expresses its deep deploration and its condemnation of the aggression committed against the religious Shrines of Moslems in India as symbolised in the demolition of the ancient and historic Babri Mosque.

It calls on the Indian Government to shoulder its reponsibilities fully by implementing further measures to protect Moslems in India, to respect their religious Rights and safeguard their religious shrines, and to rebuild the Mosque as promised by the Indian Prime Minister.

Welcoming the New American Administration

The Council affirms that the current stage being witnessed by the International Community of Nations represents the ideal conditions for the consolidation of International cooperation and for the renouncement of all acts that are considered a flagrant violation of established International Laws and Conventions. In this context it expresses its appreciation and its gratitude to His Excellency Mr. George Bush, President of the United States of America, for his honourable and brave stands, for the spirit of cooperation shown by the United States of America under his leadership, and especially for the efforts he deployed in the liberation of Kuwait and in the promotion of the Peace Process in the Middle East. The Council looks forward to the continuation of fruitful cooperation with the Administration of President-Elect Clinton in the service of International stability, peace and security.

Military and Security Cooperation

The Council reviewed the different stages achieved in the field of Military and Security Cooperation between the member States in light of the recommendations submitted by the Ministers of Defence. Fully aware of the needs of the current situation which make it necessary to consolidate a collective approach to security, and convinced that the security of the Member States of the Gulf Cooperation Council is an integral and indivisible whole, the Supreme Council approved the recommendations made by the Ministers of Defence, as well as the Recommendations of the Ministerial Council in the field of military cooperation which constitutes the substance of collective defence.

Economic Cooperation

The Council expressed its satisfaction with the achievement of the Committee for Financial Cooperation in outlining a unified Customs Tariff Agreement to be implemented in stages, and requested the committee to prepare the Basic Regulations for this system and to submit it to the next session of the Supreme Council for adoption. The Council aproved the adoption of the new Regulations for Retail Trade. It further approved the new Regulations for Patents in the Member States and the Basic Charter for a Patents Office which will be based in the Secretariat General.

The Council affirmed its adhesion to the Resolution adopted at the Doha Summit to establish an Arab Gulf Council Aid Programme to support the economic development of Arab States and resolved to begin the implementation of this Programme in accordance with the principles and aims incorporated in the Resolution adopted by the eleventh session of the Supreme Council's meeting in Doha establishing this programme, and in line with the Accord reached by the Supreme Council in its twelfth session in Kuwait. It instructed the Secretariat General to convene a meeting of the Committee in charge of this programme to fix at the beginning of every year the commitments of the Fund and its financial programmes in accordance with its Charter. The 1993 financial commitments will be resolved in May of the coming year.

The Council expressed its deep appreciation and gratitude to His Highness Sheikh Zayed Bin Sultan Al Nahyyan and to his Government and his People for their warm welcome , their gracious hospitality and their sentiments of true brotherhood. It praised the excellent preparations and the great efforts made to ensure the comfort of the participating delegations and to ensure the success of the Summit.

The Council expresses its deep appreciation for the enormous efforts deployed by H.E. Mr. Abdullah Yaqoob Bishara as Secretary General of the Council since the first days of its establishment, for his active participation in the progress achieved by the Council through dedicating a great deal of his time and his vast experience during the past years. It wishes His Excellency every success in any endeavour that may be entrusted to him in the future. The Council welcomes the appointment of H.E. Sheikh Fahis Bin Sultan al Qasimi as Secretary General of the Arab Gulf Cooperation Council for the coming three years.

The Council looks forward to its fourteenth session in the Kingdom of Saudi Arabia in December 1993 in response to the gracious invitation of the Custodian of the Two Holy Mosques King Fahd Bin Abdul Aziz Al Saud, King of Saudi Arabia.

ANNEX II

The Abu Dhabi Declaration adopted by the Supreme Council of the Gulf Cooperation Council at its Thirteenth Session held in Abu Dhabi, from the 21st to 23rd December 1992

In the Name of God The Most Merciful The most Compassionate

Inspired by the animus of kinship that binds the Gulf family closely together in a shared destiny and a common programme of collective action;

Concerned as Member States of the Gulf Cooperation Council to give a concrete form to their spirit of cooperation, solidarity and inseparable association;

Desirous to reinforce the level of coordination that is actually prevalent in the domains of politics, of security, and of economic and social activities, with the aim of achieving an advanced stage of complementary interdependence between them;

Guided by the purposes and principles incorporated in the Basic Charter of the Council which was founded by their Majesties and by their Highnesses the leaders of the Member States of the Council;

Bearing in mind the momentous events, changes, and transformations both regional and international which demand from Member States the will to act with a collective and united vision which would take into consideration the higher interests of the Arab and Islamic nation and of their crucial causes;

In conformity with the commitment of the Member States to the principles and goals embodied in the Covenants and Resolutions of the Arab League, of the Damascus Declaration, of the Islamic Conference and of the United Nations;

Their Majesties and their Highnesses proclaim herewith:

1- The confirmation of their adhesion to the Kuwait Declaration issued by the Twelfth session of the Supreme Council;

2- The affirmation by the Member States:

of their respect for good nighbourly relations as a mandatory and rightful basis for all their regional and international dealings;

of their commitment to respect the independence, the sovereignty and the territorial integrity of all States;

of their adhesion to the principle of non-interference in the internal affairs of other States;

and of their respect for the rightful sovereignty of all States over their natural resources;

3- The endorsement of dialogue and peaceful negotiations as a mandatory medium for the settlement of inter-State disputes in conformity and harmony with the United Nations Charter and with International Laws and conventions;

the rejection of the use of force or the threat of its use in international relations;

the inadmissibility of the acquisition of territory by force.

In this context the leaders of the Member States of the Council affirm the sovereignty of the United Arab Emirates over the Islands of the Bigger Tunb, the Smaller Tunb, and Abu Musa which form an integral part of the United Arab Emirates. They further proclaim their categoric rejection of the continued occupation by the Islamic Republic of Iran of those Islands that belong to the United Arab Emirates.

4- The reaffirmation of their desire to promote the efforts and endeavours that aim at reinforcing the indigenous military and security potential of the Member States so as to ensure the security and stability of the region;

5- Their belief that cooperation and coordination between the Member States of the Council form a tributary that flows with others to forge together a collective Arab paradigm that must be based on new foundations and that should be driven by a fresh dynamic which would guarantee the adhesion of all Arab States to, and their respect for, the Convenants and Treaties endorsed by them in the framework of the Arab League.

Therewith the Member States of the Council reaffirm their commitment to the principles and aims incorporated in the Damascus Declaration since it constitutes a new formula for a fresh vision for concerted Arab action and for serious solidarity;

6- The support for all Arab and International efforts and initiatives that aim at reaching a comprehensive, just and permanent solution to the Middle East question based on Security Council Resolutions 242 and 338 and on the principles of International Law, and thus ensuring the withdrawal of Israel from all the occupied Arab territories and the restoration of the legitimate rights of the Palestinian people, including its right to self-determination and to the establishment of an independent State.

7- To support International efforts that aim at alleviating the human sufferings of the brotherly people of Somalia;

and to urgently call on the International community of nations to take immediate steps to put an end to the acts of genocide perpetrated against the people of Bosnia Herzogovina while forwarding prompt humanitarian relief aid to them.

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Forty-seventh session
Agenda items 143 and 144
THE SITUATION IN BOSNIA AND HERZEGOVINA
INTERNATIONAL COOPERATION AND ASSISTANCE TO ALLEVIATE THE CONSEQUENCES OF WAR IN CROATIA AND TO FACILITATE ITS RECOVERY

SECURITY COUNCIL
Forty-seventh year

Letter dated 28 December 1992 from the Permanent Representative of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

I have the honour to present to you herewith the joint communiqué, dated 18 December 1992, addressed to the Summit of the Gulf Cooperation Council, signed by His Excellency Mr. Alija Izetbegovic, President of the Republic of Bosnia and Herzegovina, and His Excellency Dr. Franjo Tudjman, President of the Republic of Croatia (see annex).

May I ask for your kind assistance in circulating the present letter and the joint communiqué as a document of the General Assembly, under agenda items 143 and 144, and of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
and Permanent Representative

ANNEX

Joint communiqué, dated 18 December 1992, of the President of the Republic of Croatia, Dr. Franjo Tudjman, and the President of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegovic, to the Summit of the Gulf Cooperation Council

Mr. Chairman,

We present this joint communiqué with the desire that you inform the Summit of the Gulf Cooperation Council, gathered at this exceptionally important and challenging moment in international relations, of the perspective of the Republic of Bosnia and Herzegovina and the Republic of Croatia towards the dangerous developments of the military and political conditions on the territory of the former Yugoslavia, which is to say in the region of south-eastern Europe, the Balkans and the Mediterranean.

We share the belief that the aggression by Serbia/Montenegro against independent and sovereign Bosnia and Herzegovina, as had been the case earlier in Croatia, is the most dangerous challenge to regional security and world peace. In the light of the threatening expansion of the war, the fate of our two States as well as the fate of other peoples and countries is, according to our opinion, the greatest moral and political challenge to the world community.

On the international scene, there are increasingly stronger demands that this moral imperative be finally responded to with decisive action. Any postponement of fast, decisive and resolute action based on global political agreement among regional, political, religious and other factors of the international community would mean a retreat before the dictates of force and the abandonment of the most enlightened principles of law and order and the yielding before an aggression which, in its brutality and barbarism, is unprecedented in the modern history of mankind.

As a powerful regional association, the Gulf Cooperation Council can greatly contribute with its political influence in the United Nations and other forums, thereby strengthening the general agreement of all international factors in the interest of decisively stopping the aggression. Your association, we believe, will decisively stand up against the present attempts of the regime in Belgrade, which is in fear of international military action, to legalize the results of conquest through hypocritical negotiations and offers of partial withdrawal.

We are convinced that the Gulf Cooperation Council and other associations, including the Organization of the Islamic Conference (OIC) and the Organization of Petroleum Exporting Countries (OPEC), will use their influence to continue the political, economic and financial support and

assistance to Bosnia and Herzegovina and Croatia and long-term financing of the renewal and development of our two countries.

The recent extraordinary session of the Islamic Conference of Foreign Ministers called for the United Nations Security Council to consider the compliance and implementation of the relevant United Nations resolutions by Serbia/Montenegro (Federal Republic of Yugoslavia) and to decide about the need to implement decisive measures. The States members of the Gulf Cooperation Council will surely understand the need for decisive military action under the auspices of the United Nations in subduing aggression. It was precisely in your region that the United Nations approved military measures in the name of the territorial integrity and sovereignty of Kuwait. Recently the United Nations approved military measures in the name of humanitarian protection of the biologically imperilled population of Somalia.

Our countries are imperilled by both these threats, which have up till now been the reasons for international military action. Because of this we see even less justification for the postponement of the use of force against the forces of aggression in Bosnia and Herzegovina and the rebel Serbian forces in Croatia and the enabling of our peoples to exercise their right to self-defence in accordance with the United Nations Charter.

We are convinced that the States members of the Gulf Cooperation Council will extend support to our just requests.

(Signed) Dr. Franjo TUDJMAN
President of the Republic of Croatia

(Signed) Alija IZETBEGOVIC
President of the Presidency of the Republic of Bosnia and Herzegovina

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29 December 1992

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NOTE VERBALE DATED 10 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF DENMARK TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Denmark to the United Nations presents his compliments to the Secretary-General and, with reference to the latter's note of 14 October 1992, has the honour, upon instructions from the Government of Denmark, to communicate the following information relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia.

The Government of Denmark welcomes the decision by the Security Council to establish an impartial Commission of Experts to examine and analyse information concerning violations of humanitarian law in the territory of the former Yugoslavia. It also welcomes the Secretary-General's announcement of the appointment of the Chairman and members of the Commission.

Denmark is ready, in the spirit of Security Council resolutions 771 (1992) and 780 (1992), to cooperate closely with the investigations being carried out by the United Nations into violations of humanitarian law in the context of the Yugoslav conflict, in particular by communicating relevant information on the matter.

The primary source for the work of the Commission should, in the view of the Government of Denmark, be the considerable amounts of valuable information that have been gathered by the United Nations, the Conference on Security and Cooperation in Europe (CSCE), the European Community (EC) and other bodies during on-site inspections on the territory of the former Yugoslavia.

Those involved in operations of such international organizations and other bodies report directly to the organization or body in question. Danish citizens have been participating in various international missions, such as the EC Monitoring Missions (ECMM) to Croatia, Bosnia and Herzegovina and Belgrade, the United Nations Protection Force (UNPROFOR) to Croatia and Bosnia and Herzegovina, the CSCE Missions of long duration to Kosovo, Sandzak and Vojvodina, the CSCE Spillover Monitor Mission to Skopje, and the CSCE Corell-Mission under the Human Dimension Mechanism to Croatia and Bosnia and Herzegovina.

Another source for the work of the Commission should be the valuable information that has been gathered by non-governmental organizations, such as Amnesty International.

Information concerning violations of international humanitarian law in the former Yugoslavia has not been submitted personally by Danish citizens or by asylum-seekers from the former Yugoslavia to the Government of Denmark. However, the Government of Denmark would be prepared to investigate the possibility of collecting such information from asylum-seekers being present in Denmark if the Secretary-General finds it desirable.

If any substantiated information regarding violations of humanitarian law is being submitted to the Government of Denmark in the future, such information will immediately be transmitted to the Commission of Experts.

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S/25023
29 December 1992

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LETTER DATED 24 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

In the letter dated 9 December 1992 by the President of the Republic of Croatia, Mr. Franjo Tudjman (S/24934), a list of steps which are necessary to implement the United Nations mandate in the Republic of Croatia were outlined. In addition to the 12 steps mentioned in this letter, a further item should be added.

The reopening and securing of the oil pipeline which runs from the Croatian island of Krk to parts of Central Europe is vitally necessary. The flow of this oil is essential for the economies of the countries of Central Europe and they have accordingly expressed a strong desire for its restoration.

The main problem to restoration of the oil flow is that some 50 kilometres of the pipeline run through the United Nations Protected Area. This part of the pipeline must be secured in order to reopen the pipeline. The troops of the United Nations Protection Force can be used to secure the pipeline and guarantee the normal flow of oil.

The Republic of Croatia strongly urges the United Nations to undertake the proposed measures in order to ensure the establishment of peace and the return of normal economic life to this region.

I would be grateful if you would provide for the distribution of this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of the
Republic of Croatia to the
United Nations

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29 December 1992

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Forty-eighth session
REVIEW OF THE IMPLEMENTATION OF THE DECLARATION OF THE STRENGTHENING OF INTERNATIONAL SECURITY
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

SECURITY COUNCIL
Forty-seventh year

Letter dated 28 December 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

In connection with the letter of the Permanent Representative of the Republic of Croatia to the United Nations of 17 December 1992 (A/47/804-S/24982), denying the involvement of the Croatian Army in the war in Bosnia and Herzegovina, I would like to draw your attention to the following.

1. The involvement and engagement of the Croatian Army in Bosnia and Herzegovina has been confirmed by many, including the Secretary-General of the United Nations, the General Assembly and the Security Council.

The Secretary-General in section IV of his report to the Security Council of 24 November 1992 (S/24848), stated: "Security Council resolutions calling for the withdrawal of foreign forces from Bosnia and Herzegovina remain largely unimplemented. The Croatian Army is reliably reported to be engaged extensively in the Republic, particularly in Herzegovina and in the Orasje area".

The Secretary-General further confirmed that in section IV of his report to the General Assembly of 3 December 1992 (A/47/747): "... it [UNPROFOR] has received credible reports of extensive involvement of forces of the Croatian Army in Bosnia and Herzegovina". In the same report, the Secretary-General stated: "Several brigades of the Croatian Army are also reliably reported to be actively engaged in the conflict."

Moreover, this involvement has been publicly acknowledged by the President of Croatia himself. In a recent interview published in The New York Times on 18 December 1992, Mr. Tudjman was quoted as saying: "Where we have fought in Bosnia, it has been to defend those areas where Croats are the majority."

The engagement of the Croatian Army in northern Bosnia was also publicly confirmed by the Croatian Minister of Defence, Mr. G. Susak. In the Zagreb daily Novi vjesnik, he not only admitted the presence of the Croatian Army in the area of Orasje (North-East Bosnia), but also stated that he openly acknowledged this to Mr. Cyrus Vance and Lord Owen. In addition, he revealed that the Force Commander of the United Nations Protection Force (UNPROFOR), General Nambiar, has protested the presence of the Croatian Army troops in the area of Orasje.

Bearing all this in mind, it is surprising that the reports of the involvement and engagement of the Croatian Army in Bosnia and Herzegovina could possibly be rejected as "fabrications, misinterpretations and blatantly false".

The engagement of the army of the Republic of Croatia in Bosnia and Herzegovina represents a clear violation of the commitments undertaken at the London Conference, relevant decisions of the General Assembly and the resolutions of the Security Council, in particular resolution 757 (1992), adopted under Chapter VII of the United Nations Charter.

2. In addition, open threats of "possible future involvement" of the armed forces of the Republic of Croatia in the territory of Bosnia and Herzegovina, as well as provisions of weapons by the Republic of Croatia to Muslims and Croats fighting in Bosnia and Herzegovina, could only further exacerbate the situation in Bosnia and Herzegovina and jeopardize the current peace efforts in the framework of the International Conference on the Former Yugoslavia.

I should be grateful if you would have the text of the present letter circulated as an official document of the General Assembly, under the agenda items entitled "Review of the implementation of the Declaration on the Strengthening of International Security" and "Human rights questions: Human rights situations and reports of special rapporteurs and representatives", and of the Security Council.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

UNITED
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Security Council

Distr.
GENERAL

S/25025
30 December 1992
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 29 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith a statement issued by the Government of the Republic of Tajikistan on 21 December 1992 concerning violations of the State border of Tajikistan.

I should be grateful if you would circulate this letter and its annex as an official document of the United Nations Security Council.

(Signed) Lakim K. KAYUMOV
Ambassador
Permanent Representative of
the Republic of Tajikistan
to the United Nations

Annex

STATEMENT BY THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN

The Government of the Republic of Tajikistan presents its compliments to the Government of the Islamic State of Afghanistan and informs it of the following:

According to information available to us, recently, large numbers of troops massed in the border areas of the Islamic State of Afghanistan have repeatedly violated the State border of the Republic of Tajikistan. These actions cannot fail to arouse the concern of the people and Government of the Republic of Tajikistan. Furthermore, it is regrettable that distorted reports on this subject are being disseminated by some of the world mass media; such reports are not serving the interests of either the Tajik or the Afghan side.

Bearing in mind the long-standing good-neighbourly, friendly and fraternal relations between the Republic of Tajikistan and the Islamic State of Afghanistan, the Government of Tajikistan expresses the hope that all necessary measures will be taken to prevent further violations of the Tajik-Afghan border.

The Government of the Republic of Tajikistan is convinced that the Islamic State of Afghanistan will take the necessary steps to provide shelter for the refugees from Tajikistan who are temporarily there and to ensure their safety and speedy repatriation.

Should interference in the internal affairs of Tajikistan and violations of the border of the Republic on the part of armed groups based in the territory of the Islamic State of Afghanistan continue, the Government of the Republic of Tajikistan will be forced to turn to the States members of the Commonwealth of Independent States, which have recognized the border of Tajikistan as a common border of the Commonwealth, for assistance in protecting its security on the basis of the Agreement on the collective defence of the CIS countries.

The Government of the Republic of Tajikistan expresses its conviction that a mutually acceptable solution will be found to all the above-mentioned questions and that they will not have an adverse effect on the friendly relations between the sides.

21 December 1992
Dushanbe

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25026
30 December 1992

ORIGINAL: ENGLISH

NOTE VERBALE DATED 25 DECEMBER 1992 FROM THE MINISTRY OF FOREIGN AFFAIRS OF GEORGIA ADDRESSED TO THE SECRETARY-GENERAL

The Ministry of Foreign Affairs of the Republic of Georgia presents its compliments to the Secretary-General of the United Nations and has the honour to transmit the letter of Mr. Eduard Shevardnadze, Chairman of the Parliament, Head of State.

We would greatly appreciate if you could distribute this letter as a document of the Security Council.

Annex

Letter dated 25 December 1992 from the Chairman of the Parliament and Head of State of the Republic of Georgia addressed to the Secretary-General

I should like to express my appreciation for the attention and good will the United Nations has shown with respect to the processes under way in Georgia. Our greatest pain is the conflict in Abkhazia and I think the United Nations fully realizes that the escalation of the existing confrontation could destabilize the entire Caucasus region. Extremist separatism spells danger to our country as well as to our neighbours and I believe that this phenomenon can be ruinous to the whole of mankind should it become widespread.

Permit me to express hope that the fruitful cooperation between Georgia and the United Nations will keep developing and thus we shall be able to establish peace by a joint effort.

Currently, the situation in Abkhazia is very complex. The illegal penetration of the Georgian territory by foreign nationals fighting for the Abkhaz military units against Georgia shows no sign of halting. In fact, trains loaded with arms and ammunition pass unhindered from the Russian Federation into the conflict zone.

Particularly disturbing is the participation of the Russian troops stationed in Abkhazia on the side of Abkhaz extremists.

During this month planes with Russian markings have subjected civilian targets to systematic bombings. It is quite clear that all this is being directed by the reactionary forces ensconced within the political circles of the Russian Federation who, with the view to regaining lost ground, unleashed a fierce war against President Yeltsin at the Congress of People's Deputies. It is because of these forces that the confrontation between the democratically elected Georgian authorities and Abkhaz separatists due to increasingly intensive interference on the part of the Russian military units is clearly turning into an inter-State conflict. These forces are also responsible for virtually invalidating the 3 September Moscow agreement between Georgia and the Russian Federation which provided for peaceful settlement of the Abkhaz conflict and to which the Georgian side has been fully committed all along. They must also be blamed for the complications that have occurred in the course of the Georgian-Russian negotiations aimed at preparing a package of treaties. In fact, the negotiations have now been halted. On 17 December, the Georgian Parliament voiced its view on the current state of relationships between Georgia and the Russian Federation. We are grateful to you personally and the Security Council for the efforts to help the Georgian authorities achieve peaceful settlement of the Abkhaz conflict. Those efforts have included the 8 October statement by the President of the Security Council (S/24637), the 9 October resolution, the activities of the two missions sent to Georgia and those of the newly opened Tbilisi-based United Nations bureau.

We would also like to note that unless every side or State interested in stability and peace in the Caucasus abides by the decisions and the resolution of the Security Council, every attempt at a fair resolution of the Abkhaz conflict will prove ineffectual.

Since the time the Security Council considered the conflict in Georgia and adopted a relevant resolution, the military-political situation has somewhat changed. Taking into account the present realities, we deem it necessary that a new resolution should be adopted on this issue. To this end I would like to inform you of some of the ideas that may prove useful in future activities of the Security Council:

(a) Since, as it has already been noted, the military-political situation in the conflict zone has changed, we are inclined to think that the issue must again be placed on the agenda of the Security Council. Because of the Christmas vacations, the consideration of the above issue can be scheduled for the middle of January 1993.

(b) The extreme gravity of the problem, as well as the global complications that might follow, should the conflict escalate, prompt the desirability of making the issue a subject of formal debate in the Security Council.

(c) The highly tense situation in the conflict zone and the potential for its further complication necessitates the adoption by the Security Council of a new resolution which should, in my opinion, include the decision to urgently send a United Nations peace-keeping force to the Abkhazian region.

(d) I believe that an appeal by the Security Council to Georgia's neighbouring States, calling on them to support the efforts for peaceful settlement of the Abkhaz problem and to refrain from any actions that may cause a further escalation of the confrontation would considerably contribute to the peaceful settlement of the given conflict.

(e) I also deem it advisable that an appeal be adopted by the Security Council, which would call on all the States Members of the United Nations not to allow any encroachment on the territorial integrity of sovereign Georgia - a Member State of the United Nations.

(f) Coordination efforts pertaining to the Abkhaz conflict among the Security Council and various regional and subregional international organizations could also, in my view, be highly effective.

May I hope that the Security Council and you personally will as always handle our problems with due care and that the above suggestions could be of some value in your difficult and responsible work.

As to the Republic of Georgia, it is fully aware of its responsibilities and is always prepared to fulfil all the obligations it has assumed as a Member State of the United Nations and of the Conference on Security and Cooperation in Europe.

Looking forward to further development of our relations,

(Signed) Eduard SHEVARDNADZE

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S/25027
30 December 1992

ORIGINAL: ENGLISH

SECOND REPORT OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO RESOLUTION 724 (1991) CONCERNING YUGOSLAVIA

CONTENTS

	Paragraphs	Page
LETTER OF TRANSMITTAL		2
INTRODUCTION	1 - 3	3
I. EXPANDED SCOPE OF THE MANDATORY SANCTIONS AND OF THE ROLE OF THE COMMITTEE	4 - 12	3
A. New scope of the mandatory sanctions	4 - 7	3
B. Expanded role of the Committee	8 - 12	4
II. SUMMARY OF THE COMMITTEE'S WORK DURING THE REPORTING PERIOD	13 - 22	6
A. General observations	13 - 14	6
B. Summary of the Committee's activities	15	6
C. Consideration of general substantive matters	16 - 18	7
D. Consideration of specific cases of actual or suspected violations of the mandatory sanctions established under resolutions 713 (1991), 757 (1992) and 787 (1992)	19 - 22	10
III. FINAL OBSERVATIONS AND CONCLUSIONS	23 - 26	11

030193

LETTER OF TRANSMITTAL

30 December 1992

Sir,

I have the honour to transmit herewith the second report of the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia containing an account of the Committee's activities since the submission of its first report on 13 April 1992 (S/23800). The present report, which was adopted by the Committee at its 48th meeting on 29 December 1992, is being submitted in accordance with paragraph 5 (b) of Security Council resolution 724 (1991) of 15 December 1991 and paragraph 13 of resolution 757 (1992) of 30 May 1992.

Accept, Sir, the assurances of my highest consideration.

José AYALA LASSO
Chairman
Security Council Committee established
pursuant to resolution 724 (1991)
concerning Yugoslavia

His Excellency
Mr. Chinmaya Rajaninath Gharekhan
President of the Security Council

INTRODUCTION

1. On 13 April 1992, the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia submitted its first report to the Security Council (S/23800), outlining its activities during the period from its establishment, on 15 December 1991, until the adoption of its report, on 9 April 1992. During that period, the mandate of the Committee was to monitor the implementation by States of the mandatory arms embargo established by the Security Council in resolution 713 (1991) with respect to all the constituent republics of the former Socialist Federal Republic of Yugoslavia (see resolution 727 (1992), para. 6).

2. In its first report, the Committee highlighted its consideration of general matters and one case relating to possible violations of the arms embargo. The Committee stated that, at the time of adoption of its report, 99 States had responded to the Secretary-General's note of 16 December 1991 pursuant to paragraph 5 (a) of resolution 724 (1991) requesting all States to report the measures they had instituted for meeting the obligations set out in paragraph 6 of resolution 713 (1991). Of the responding States, 49 had been requested by the Committee to supply more information on the specific measures they had instituted.

3. The Committee adopted the present report at its 48th meeting, on 29 December 1992. The report is intended to present a factual summary of the Committee's activities during the period since the first report was adopted, in which time the Security Council has significantly increased the scope of sanctions and, correspondingly, the role of the Committee. Since 9 April 1992, the Committee has held 39 meetings, 3 of them on an emergency basis (in order to consider requests for the approval of imminent flights from, or back to, the Federal Republic of Yugoslavia (Serbia and Montenegro) and has handled over 2,000 incoming communications relating to various aspects of the implementation of the mandatory sanctions, as well as a comparable number of replies. In addition, the members of the Committee have studied 26 information notes consisting of materials gleaned by the Committee's secretariat from published sources, on the basis of which the Committee has on three occasions decided to address letters to States with requests for investigations to be undertaken into the suspect activities as reported.

I. EXPANDED SCOPE OF THE MANDATORY SANCTIONS AND OF THE ROLE OF THE COMMITTEE

A. New scope of the mandatory sanctions

4. During the period covered by the present report, the Security Council has significantly expanded the scope of its mandatory sanctions relative to the Federal Republic of Yugoslavia (Serbia and Montenegro). 1/ While the mandatory arms embargo established by the Security Council under resolution

713 (1991) with respect to all the constituent republics of the former Socialist Federal Republic of Yugoslavia remains in effect, the Council has adopted three new resolutions relating to sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), as follows.

5. By resolution 757 (1992), adopted on 30 May 1992, the Security Council, acting under Chapter VII of the Charter of the United Nations, imposed a wide range of mandatory sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro). The full range of those sanctions is contained in paragraphs 4 to 9 of the resolution.

6. By resolution 760 (1992) of 18 June 1992, the Council expanded the exceptions to the prohibitions in paragraph 4 (c) of resolution 757 (1992) conditioned on the Sanctions Committee's approval on a case-by-case basis.

7. By resolution 787 (1992) of 16 November 1992, the Security Council, again acting under Chapter VII of the Charter, tightened the procedures for implementing the mandatory sanctions established in resolutions 713 (1991) and 757 (1992). The full range of those procedural measures is contained in paragraphs 9 to 15 of resolution 787 (1992).

B. Expanded role of the Committee

8. In the resolutions referred to above, the Security Council correspondingly expanded the mandate and role of the Committee established pursuant to resolution 724 (1991), as indicated below.

9. Paragraph 13 of resolution 757 (1992) reads as follows:

> "The Security Council,
>
> ...
>
> "13. Decides that the Committee established by resolution 724 (1991) shall undertake the following tasks additional to those in respect of the arms embargo established by resolutions 713 (1991) and 727 (1992):
>
> "(a) To examine the reports submitted pursuant to paragraph 12 above;
>
> "(b) To seek from all States further information regarding the action taken by them concerning the effective implementation of the measures imposed by paragraphs 4 to 9 above;
>
> "(c) To consider any information brought to its attention by States concerning violations of the measures imposed by paragraphs 4 to 9 above and, in that context, to make recommendations to the Council on ways to increase their effectiveness;

"(d) To recommend appropriate measures in response to violations of the measures imposed by paragraphs 4 to 9 above and provide information on a regular basis to the Secretary-General for general distribution to Member States;

"(e) To consider and approve the guidelines referred to in paragraph 6 above;

"(f) To consider and decide upon expeditiously any applications for the approval of flights for humanitarian or other purposes consistent with the relevant resolutions of the Council in accordance with paragraph 7 above."

10. Under resolution 760 (1992) the Security Council decided that:

"The prohibitions in paragraph 4 (c) of resolution 757 (1992) concerning the sale or supply to the Federal Republic of Yugoslavia (Serbia and Montenegro) of commodities or products other than medical supplies and foodstuffs, and prohibitions against financial transactions related thereto, contained in resolution 757 (1992), shall not apply, with the approval of the Committee established by resolution 724 (1991) under the simplified and accelerated no objection procedure, to commodities and products for essential humanitarian need."

11. Paragraph 9 of resolution 787 (1992) reads as follows:

"The Security Council,

...

"9. Decides, acting under Chapter VII of the Charter of the United Nations, in order to ensure that commodities and products transshipped through the Federal Republic of Yugoslavia (Serbia and Montenegro) are not diverted in violation of resolution 757 (1992), to prohibit the transshipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types unless such transshipment is specifically authorized on a case-by-case basis by the Committee established by resolution 724 (1991) under its no-objection procedure."

12. Taking into account the provisions of resolution 757 (1992), the Committee, at its 13th meeting, on 18 June 1992, adopted a new set of guidelines for the conduct of its work. The new guidelines, consolidated with the earlier guidelines in respect of the arms embargo (see S/23800, para. 5), were transmitted to all States and international organizations on 7 July 1992. The guidelines were subsequently amended, and States were notified of the amendment on 30 July 1992. Following the Council's adoption of resolution 787 (1992), the Committee found it necessary to formulate additional guidelines, which it adopted at its 48th meeting, on 29 December 1992, incorporating certain additional amendments to the existing

guidelines. The Committee decided to consolidate all the guidelines into a single document, to be transmitted to all States and international organizations.

II. SUMMARY OF THE COMMITTEE'S WORK DURING THE REPORTING PERIOD

A. General observations

13. It is against the background indicated above that the Committee has undertaken the mandate entrusted to it by the Security Council. In view of the fact that full responsibility for the implementation of the mandatory sanctions rests with States and, where specifically indicated, international organizations, the Committee has noted that either the Secretary-General or the United Nations Secretariat, as appropriate, has drawn the attention of the States and international organizations concerned to the obligations assigned to them by the Security Council in the relevant resolutions, as follows:

(a) On 30 May 1992 the Secretary-General transmitted the text of resolution 757 (1992) to the Federal Republic of Yugoslavia (Serbia and Montenegro) and to all States on 3 June 1992, drawing their attention to the relevant provisions of the resolution. The attention of all international organizations was similarly drawn by the Secretariat to the same provisions on 3 June 1992;

(b) On 18 June 1992 the Secretary-General transmitted the text of resolution 760 (1992) to the Federal Republic of Yugoslavia (Serbia and Montenegro) and to all States on 24 June 1992, drawing their attention to the relevant provisions of the resolution;

(c) On 16 November 1992 the Secretary-General transmitted the text of resolution 787 (1992) to the Federal Republic of Yugoslavia (Serbia and Montenegro) and to all States on 20 November 1992, drawing their attention to the relevant provisions of the resolution.

14. Since the Committee's first report, 12 more replies have been received to the Secretary-General's original note of 16 December 1991 pursuant to paragraph 5 (a) of resolution 713 (1991) (see S/23358/Add.4). With regard to resolution 757 (1992), replies from 59 States had been received by the stipulated deadline of 22 June 1992 to the Secretary-General's note of 3 June 1992, requesting them to indicate the measures they had instituted for meeting the obligations set out in paragraphs 4 to 9 of that resolution. As of 9 October 1992, 38 more States had responded, bringing the total to 97 (see S/24221 and Add.1 and 2). Since then, two further replies have been received.

B. Summary of the Committee's activities

15. During the period under review, the Committee has devoted most of its time to the consideration of matters arising from the more than

2,000 communications submitted to it to date by States, international organizations and, in 16 instances, by non-governmental organizations (NGOs) and individuals. The communications have, for the most part, consisted of notifications of the export of foodstuffs and medical supplies to the Federal Republic of Yugoslavia (Serbia and Montenegro); requests for approval for the supply to that country of commodities and products for essential humanitarian need; applications for exemptions from the sanctions, where permitted by the Security Council; requests for approval of transshipments of certain specified commodities and products through the Federal Republic of Yugoslavia (Serbia and Montenegro); reports of violations or suspected violations of the sanctions; and general questions with regard to the implementation of the sanctions regime.

C. Consideration of general substantive matters

16. From the outset, the Committee has adopted a general principle that, in considering requests from States or international organizations under the various resolutions, it would not grant generic or standing approval in respect of such requests, but would consider specific requests on a case-by-case basis. There are, however, a number of general cases on which the Committee felt that, for purposes of propriety, good order and practical convenience, a standing approval could be granted, provided that advance notification was given to the Committee in most of the cases. The Committee granted such general authorization with respect to the following:

(a) Payment of foreign pension benefits to persons in the Federal Republic of Yugoslavia; 2/

(b) Fees and dues collectible by embassies and consulates of the Federal Republic of Yugoslavia (Serbia and Montenegro);

(c) Goods and mail going to the Federal Republic of Yugoslavia (Serbia and Montenegro) for the use of diplomatic and consular missions there;

(d) Transit fees or other customs dues for ordinary commercial traffic in transit through the Federal Republic of Yugoslavia (Serbia and Montenegro); 3/

(e) Certain requests by international humanitarian organizations, with respect to which the Committee agreed that several shipments of their aid materials might be effected to the Federal Republic of Yugoslavia (Serbia and Montenegro) within a given period of time, say one month. Alternatively, specific amounts of such materials might be approved for shipment on any number of trips;

(f) Flights by the United Nations Protection Force (UNPROFOR), authorized by the Security Council in paragraph 10 of resolution 757 (1992), as well as flights by the Secretary-General's Special Representative and Co-Chairman of the International Conference on the Former Socialist Federal

Republic of Yugoslavia undertaken by him or under the auspices of his office in furtherance of his activities.

17. The Committee has also formulated general principles regarding the repatriation of goods from the Federal Republic of Yugoslavia (Serbia and Montenegro) and the transfer, in certain specific cases, of personal belongings to and from that country. With regard to the repatriation of goods, the Committee decided that such goods could be removed from the Federal Republic of Yugoslavia (Serbia and Montenegro) after the coming into force of the provisions of resolution 757 (1992) if they did not originate in that country, if ownership of them had never been transferred to any interests in the Federal Republic of Yugoslavia (Serbia and Montenegro), if they had not been transformed while in the Federal Republic of Yugoslavia (Serbia and Montenegro), and if their use in that country was never under the control of such interests. As for personal belongings to be transferred to or from the Federal Republic of Yugoslavia (Serbia and Montenegro), the Committee decided that the transfer of such items might be approved if they consisted purely of the personal and household effects of persons travelling to or from the Federal Republic of Yugoslavia (Serbia and Montenegro) or of citizens of the Federal Republic of Yugoslavia (Serbia and Montenegro) returning to that country from abroad.

18. In the course of its deliberations, the Committee has also reached a number of important decisions relating to the implementation of sanctions, among which the following deserve to be highlighted:

(a) The Committee decided that commercial activities by vessels owned wholly or mostly by interests in the Federal Republic of Yugoslavia (Serbia and Montenegro), regardless of the flag under which they sailed, were contrary to the mandatory sanctions established against that country. Specifically, the Committee decided that the continued operation of such vessels and any payments related thereto was prohibited. The Chairman reaffirmed the Committee's position on that matter in a statement issued to the press. The matter has now been settled by the Security Council. 4/ In addition, the Committee has noted that generally the provision of port services to such vessels is also prohibited;

(b) The Committee, in response to guidance sought by a riparian State member of the Danube Commission, advised that each riparian State had the authority and the obligation to enforce the sanctions on the Danube, to the maximum extent possible without the use of force and, if necessary, employing the minimum proportionate amount of force needed in order to stop the ship. The Committee's position was communicated to all States in a note dated 12 November 1992, with a copy to the Danube Commission. This position has now been reinforced by the Security Council; 5/

(c) At several of its meetings the Committee gave careful and sympathetic consideration to a request from the Prime Minister of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Milan Panic, and from the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to

authorize a certain amount of oil derivatives and natural gas to be imported exclusively for the operation of humanitarian institutions and services in that country. In response to the first letter from the Prime Minister of 22 September 1992, the Committee requested specific, detailed information concerning the energy situation in the country. The Committee was not satisfied with the information it subsequently received to that end and its members registered their concern about the absence of guarantees or controls to ensure that oil or gas imports, if authorized, would reach the intended recipients without diversion to other parties or uses. Upon consideration of the latest communication from Mr. Milan Panic dated 11 December 1992, the Committee suggested in its reply that the Prime Minister make contact with the relevant United Nations humanitarian organizations in order to prepare a plan that would verify and meet the humanitarian needs described in the Prime Minister's letter and provide satisfactory measures to ensure that any permitted products were to be distributed and consumed only to satisfy those needs. Upon receipt of such a plan the Committee will be in a position to take a decision on the matter expeditiously;

(d) The Committee responded quickly and positively to the request by the Government of Montenegro, communicated by the Federal Republic of Yugoslavia (Serbia and Montenegro), for authorization to import certain items and machinery required urgently in the aftermath of flash floods following heavy rains there during the month of October 1992. The Committee acted under its mandate on the basis that the required imports by Montenegro, some of which would ordinarily not be permitted under the sanctions regime, were justified for essential humanitarian need. The Committee's decision was predicated upon the agreement by the United Nations Department of Humanitarian Affairs to coordinate the supervision of the import, delivery and proper use of the requested items and machinery;

(e) The Committee declined a request by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) to repatriate certain works of art described as Yugoslav following their exhibition in France, having received information indicating that there was a dispute as to the ownership of certain of the works among various republics of the former Socialist Federal Republic of Yugoslavia. The Committee considered that it was not in a position to determine the ownership of the items, nor was it able to authorize the shipment to the Federal Republic of Yugoslavia (Serbia and Montenegro) of items whose ownership was in dispute;

(f) The Committee, faced with several requests concerning participation by athletes from the Federal Republic of Yugoslavia (Serbia and Montenegro) in international sporting events, 6/ including the 1992 Olympic Games at Barcelona, among others, established a series of conditions under which Yugoslav athletes might participate in international sporting events, including:

(i) The athletes might not appear together or participate as part of a team, nor should they appear in any uniform, under any banner or flag, or have any anthem dedicated to them;

(ii) The relevant international organizations hosting the sports events must assume responsibility for the selection of such participating athletes;

(iii) The athletes might be accompanied by coaches, technical assistants or trainers, but not by any other personnel or by officials, governmental or non-governmental, from the Federal Republic of Yugoslavia (Serbia and Montenegro);

(iv) The athletes must not make any political statements or gestures, on pain of immediate expulsion from the games.

In each instance, these conditions have been communicated to the Government of the host country concerned.

D. Consideration of specific cases of actual or suspected violations of the mandatory sanctions established under resolutions 713 (1991), 757 (1992) and 787 (1992)

19. In its first report, the Committee dealt with only one specific case of reported violations of the sanctions, which was brought to the Committee's attention by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). Since then, the Committee has opened 45 new cases, on the basis of information brought to its attention by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), by the Government of Romania, by the periodic reports submitted by the North Atlantic Treaty Organization/Western European Union (NATO/WEU) monitoring teams in the Adriatic Sea, from press reports contained in the information notes circulated to the Committee by its secretariat and from other sources. In response to the information submitted to it by the Federal Republic of Yugoslavia, the Committee requested 31 States to undertake investigations into the reports thus received; to date, replies have been received from 19 of those States. The information supplied by Romania has resulted in five States recently being requested to undertake similar investigations. With regard to the NATO/WEU reports, requests for investigations have been sent to 21 States, and replies from 11 of those States have so far been received. Information obtained from press reports has resulted in requests for investigation being sent to three States, of which one has so far replied.

20. In two specific cases that are still under consideration by the Committee, it has been established that violation of the sanctions did occur. One concerns the delivery of certain weapons and military equipment at the airport at Zagreb, Croatia, by an Iranian transport aircraft on 4 September 1992. The Committee decided that the weapons and military equipment seized by the Croatian authorities should be destroyed; this was done through the cooperation of the Croatian authorities and was witnessed and confirmed by UNPROFOR officials. This matter has already been drawn to the attention of the Security Council. The Committee is still waiting for an explanation from the Government of the Islamic Republic of Iran. The other case involves illegal trade in pharmaceuticals between companies in Slovenia

and in the Federal Republic of Yugoslavia (Serbia and Montenegro). The Committee has put a hold on any further exports of medical precursors to the companies in the Federal Republic of Yugoslavia (Serbia and Montenegro) involved until full explanations are submitted by the two Governments.

21. The Committee is also currently pursuing inquiries into the activities of three oil tankers, M/V Lakonia (given as being of Greek registry), M/V Thita Triton (given as being of Maltese registry) and M/V Thita Apollo (given as being of Panamanian registry), which have been reported by the NATO/WEU monitoring teams in the Adriatic Sea to have delivered large quantities of oil and gasoline to the Federal Republic of Yugoslavia (Serbia and Montenegro). The Committee is awaiting the results of investigations that have been requested of the States concerned.

22. Inquiries with respect to the remaining specific cases are ongoing and so far inconclusive. Thus, while investigations requested of the States conducting those inquiries are still continuing, and replies from all of them have not yet been received, it is not possible to reach any firm conclusions at the moment as to whether, or to what extent, violations of the sanctions have occurred in those cases.

III. FINAL OBSERVATIONS AND CONCLUSIONS

23. In the course of the performance of the mandate entrusted to it, the Committee has come to realize that the work under its charge is as arduous as it is complex. It is a matter of fact that the territory of the former Socialist Federal Republic of Yugoslavia, against which the sanctions are directed, lies at the hub of intense economic and cultural activity, international commerce, trade and industry in the south-eastern region of Europe. The task of monitoring the application of sanctions, in the circumstances, has not been easy. On the other hand, effective implementation of the sanctions has had an adverse impact on the economies of a number of countries, particularly those neighbouring the territory of the former Socialist Federal Republic of Yugoslavia, some of which have addressed the Committee on the matter.

24. The Committee has noted with concern that a number of Member States have not responded to the requests to them on the measures they were expected to institute for meeting the obligations set out in the relevant resolutions. Most importantly, the Committee has been disappointed by the lack of information on violations of the sanctions, especially by those States that are well placed to have access to such information, at the same time that the international press media have been replete with reports indicating that sanctions, including the arms embargo, are in fact being breached, sometimes in a blatant manner. It cannot be emphasized too strongly that the success of the sanctions programme as a measure available to the United Nations for settling international disputes by peaceful means depends on the active cooperation of all States.

25. The application of sanctions is the responsibility of States; the role of the Committee is to offer all possible assistance to States in undertaking their responsibility. But the absence of any independent monitoring mechanism of its own sometimes inhibits the ability of the Committee to obtain original information and to follow up on the requested investigations. In this regard, the Committee considers that Security Council resolution 787 (1992) has gone a long way in redressing this gap by authorizing States, acting nationally or through regional agencies or arrangements, to stop and search maritime vessels or vessels on the Danube in order to establish the bona fides of the cargoes on board. The Committee has been receiving periodic information from the NATO/WEU monitoring teams in the Adriatic, which it has passed on to the Governments concerned for the necessary investigations. The Committee is very grateful for this information and looks forward to continuing cooperation with NATO/WEU in that respect. The Committee will also seek the help and assistance of the sanctions assistance missions operating in certain countries in the area, with the cooperation of those countries, for the purpose of verifying the bona fides of commodities and products going to and from the regions of the former Socialist Federal Republic of Yugoslavia under the sanctions regime or through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro).

26. If the Committee has achieved any success in the performance of its task, this has been due, in no small measure, to the hard work and cooperation of the members of the Committee as a team; they have rapidly dealt with numerous communications in a short period of time in order to reach pressing decisions and have exhibited a high sense of duty in their response to frequent invitations to meetings, often at very short notice. The work of the Committee has also been facilitated by the indefatigable efforts of the Committee's secretariat, which has always been dutifully and obligingly at the Committee's service.

Notes

1/ The Federal Republic of Yugoslavia comprises Serbia and Montenegro, which are two of the republics of the former Socialist Federal Republic of Yugoslavia.

2/ See, in this regard, the Committee's note dated 9 November 1992 addressed to all States and international organizations, notifying them of the Committee's decision.

3/ In this connection, the Committee was unable to authorize the transfer of a lump-sum payment of more than SwF 1 million in railway tolls submitted by a requesting Government as due to the authorities in the Federal Republic of Yugoslavia (Serbia and Montenegro).

4/ See resolution 787 (1992), para. 10.

5/ See resolution 787 (1992), para. 13.

6/ See resolution 757 (1992), para. 8 (b).

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S/25028
30 December 1992

ORIGINAL: ENGLISH

LETTER DATED 30 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated 30 December 1992, from H.E. Mr. Alija Izetbegovic, President of the Presidency of the Republic of Bosnia and Herzegovina.

May I request your kind assistance in circulating the letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and
Permanent Representative

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Annex

Letter dated 30 December 1992 from the President of Bosnia and Herzegovina addressed to the President of the Security Council

Yesterday a military convoy from Serbia (eight tanks, fifteen military trucks with soldiers) entered the territory of Bosnia and Herzegovina crossing the bridge on the river Drina near Bratunac, Eastern Bosnia. Many foreign agencies have independently reported about this.

We urge you to use your influence so that these troops be returned to Serbia.

All this would not have happened if the conclusions of the London Conference and the previous United Nations resolutions had been implemented.

(Signed) Alija IZETBEGOVIC
President

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GENERAL

S/25029
30 December 1992

ORIGINAL: ENGLISH

LETTER DATED 30 DECEMBER 1992 FROM THE PERMANENT REPRESENTATIVE OF BOSNIA AND HERZEGOVINA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to present to you the attached letter, dated 26 December 1992, from Ms. Amila Omersoftic, Director of the Office for Displaced Persons and Refugees for the Republic of Bosnia and Herzegovina.

May I request your kind assistance in circulating the above-mentioned letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador and Permanent Representative

Annex

Letter dated 26 December 1992 from the Director of the Office for Displaced Persons and Refugees for Bosnia and Herzegovina addressed to the President of the Security Council

We would like to express our deep gratitude to the international community, which has, under the coordination of the Office of the United Nations High Commissioner for Refugees (UNHCR) and the protection of the United Nations Protection Force (UNPROFOR), expended great effort in providing and delivering humanitarian assistance to the citizens of the Republic of Bosnia and Herzegovina. However, it is our fear that UNHCR and UNPROFOR are not completely aware of the dire situation which our citizens are faced with in certain areas of the Republic.

In eastern Bosnia and Herzegovina, 137,300 people in the besieged towns of Zepa (30,000), Cerska (22,000), Bratunac (20,000), Hrenovica (10,000), Medjedja (7,000), Zelengora (1,800), Orahovica (6,000), Strgacina (3,000), Zvornik (9,000), Jahorina and Igman (17,500), Donje and Gornje Kamenice (11,000) have not received any food or humanitarian assistance.

Also, the regions around Gorazde, with in excess of 80,000 people, and Srebrenica, with 55,000 people, have received only token quantities of food and medicine.

It is important to note that all of these areas are located near or within Serbian and Montenegrin controlled territory, and all attempts in organizing supply missions have failed.

Harsh winter conditions in these regions, which are the least developed regions within Bosnia and Herzegovina, have already caused numerous deaths. The population in these regions, especially women, children, the elderly and the wounded, are extremely vulnerable to starvation, exposure and disease.

With this in mind, the Office for Displaced Persons and Refugees implores the Security Council to advise UNHCR and UNPROFOR of this grave situation and to further advise UNHCR and UNPROFOR to increase their pressure on Serbian and Montenegrin forces to allow relief convoys to reach these 272,300 desperately needy individuals.

We humbly request that these measures be taken in earnest and with urgency, before more lives are lost.

(Signed) Amila OMERSOFTIC
Director

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30 December 1992

ORIGINAL: ENGLISH

LETTER DATED 30 DECEMBER 1992 FROM THE PERMANENT OBSERVER OF PALESTINE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to request that, in accordance with its previous practice, the Security Council invite Dr. Nasser Al-Kidwa, Permanent Observer of Palestine to the United Nations, to participate in the current deliberations of the Security Council with regard to the situation in the occupied Palestinian territories.

(Signed) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

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